

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

)
In Re Terrorist Attacks on September 11, 2001) No. 03 MDL 1570 (GBD/FM)
)
 ECF Case

**DEFENDANT WAEL JELAIDAN'S MOTION FOR LIMITED RECONSIDERATION
OF THIS COURT'S OCTOBER 23, 2015 FEE AWARD**

COMES NOW the Defendant Wael Jelaidan herein and pursuant to Fed. R. Civ. P. 59 hereby seeks limited reconsideration of the order entered by this court on October 23, 2015 and corrected October 28, 2015. While the Defendant appreciates the fact that the Court actually read his recent Opposition to Plaintiffs' Motion to Compel, Counsel must take issue with the fact that the Court did not address the issue of its previous reliance on Professor Jimmy Gurule's affidavit concerning Jelaidan's ability to access bank records. While Professor Gurule is quite competent to render an opinion on money laundering and, perhaps, on a bank customer's ability to secure documents even if he has been designated as a Specially Designated Global Terrorist by the U.S. Treasury's Office of Foreign Assets Control, Professor Gurule does not appear to have credentials concerning what rights a bank customer has when a foreign government seizes, sequesters¹ and basically owns his account and the documents pertaining thereto.

¹ For the Court's edification, attached hereto as Exhibit 1 is an English translation of the French language October 16, 2002 "Document Seizure and Production Order." If the Court determines that, with the proper authentication, it could issue a ruling on the limited reconsideration request, such authentication is in the process of being secured.

The attached order simply requests the Court to address the issue, and whether it resolves the matter in Defendant Jelaidan's favor or not is immaterial. Defendant Jelaidan is entitled to a complete record during this extensive discovery proceeding. The Court also did not address the issue as to what knowledge the Plaintiffs had regarding Defendant Jelaidan's bank accounts when they authorized their counsel to file the instant motion for sanctions.

Respectfully Submitted,

MARTIN F. MCMAHON & ASSOCIATES

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

[Counsel for Plaintiffs]

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